

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 11, 2009

DIVISION ONE

B205892 Coast Plaza Doctors Hospital (Certified for Publication)
 v.
 Blue Cross of California et al.

The judgment is reversed and remanded for further proceedings consistent with this decision. Coast Plaza shall recover its costs on appeal.

Tucker, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B203367 People (Not for Publication)
 v.
 Noe Ortega

The judgment is affirmed.

Tucker, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION ONE (continued)

B205440 Amalgamated Transit Union Local 1589 (Not for Publication)
v.
Long Beach Public Transportation Co., et al.

The judgment denying appellant's petition for writ of mandate is affirmed.

Tucker, J. (Assigned)

I concur: Rothschild, J.
I dissent: Mallano, P.J. (Opinion)

B208423 People (Not for Publication)
v.
M.B.

The maximum confinement term set by the court is stricken and the disposition order is amended to reflect six days of custody credit. In all other respects, the orders of the juvenile court are affirmed.

Tucker, J. (Assigned)

We concur: Mallano, P.J.
Rothschild, J.

B205892 In re Vega on Habeas Corpus (Not for Publication)

The petition for a writ of habeas corpus is granted. The Governor's October 8, 2007 decision is vacated, and the Board's June 7, 2007 decision is reinstated.

Mallano, P.J.

We concur: Rothschild, J.
Weisberg, J. (Assigned)

May 11, 2009 (Continued)

DIVISION ONE (continued)

[illegible]

The judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B206066 Oravec (Not for Publication)
v.
New York Life Insurance Co., et al.

The order sustaining New York Life's demurrer to the breach of fiduciary duty claim is reversed, and the matter is remanded to the trial court for further proceedings on that cause of action. In all other respects, the judgment is affirmed. Each party shall bear its own costs on appeal.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B204655 People (Not for Publication)
v.
Eckman

The judgment is affirmed, and the matter is remanded to the trial court to resentence appellant on count 1 as a misdemeanor.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

May 11, 2009 (Continued)

DIVISION FOUR

B208467 Azarkman (Not for Publication)
v.
Noora Nicca, LLC

The order denying appellant's motion to set aside the default judgment is affirmed. The award of sanctions against counsel for appellant is affirmed. Respondent is to have his costs on appeal.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

B186000 Dee (Not for Publication)
v.
PCS Property Management, Inc., et al.

The judgment is affirmed. Respondents shall have their costs on appeal.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

B207305 Smith
v.
Shewry et al.

Filed order certifying opinion for publication.

DIVISION FIVE

Court reconvened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and J. Belcher, Deputy Clerk.

May 11, 2009 (Continued)

DIVISION FIVE (continued)

Each of the following:

B210705 People v. Castellanos
B212828 DCFS v. J.M.
B214686 DCFS v. D.M.
B215024 DCFS v. G.R.
B214079 Cannon Electric v. Continental Casualty
B209044 People v. Infante
B214658 People v. Matthews

Argument waived, cause submitted.

B207861 The Capital Gold Group
 v.
 Stephen Nortier

Merits:
Appellant's counsel appeared but waived argument. Respondent previously
waived argument. Cause submitted.

B213918 People
 v.
 Tredis Ferguson

Merits:
Argued by Jonathan Steiner for appellant and by Robert Schneider, deputy
attorney general, for respondent. Cause submitted.

Court recessed.

Court reconvened at 10:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and J. Belcher, Deputy Clerk.

DIVISION FIVE (continued)

Each of the following:

B214036 People v. Cunningham
B208868 People v. Rubio
B206862 People v. Valderrama
B211705 DCFS v. S.K.
B208806 People v. Lugo et al
B207148 People v. Broadnax
B213311 DCFS v. J.R. et al

Argument waived, cause submitted.

B210316 Sam Canady
 v.
 C & CH

Merits:

Argued by Russell Handy for appellant and by Ricky Poon for respondent.
Cause submitted.

Court recessed.

Court reconvened at 11:00 a.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B206735 People v. Milner
B211012 DCFS v. L.T.
B211876 DCFS v. S.B.
B207083 People v. Stupin

Argument waived, cause submitted.

May 11, 2009 (Continued)

DIVISION FIVE (continued)

B208682 Robert Paterson
 v.
 City of Los Angeles

Merits:

Argued by Geoffrey Taylor for appellant and by Paul Winnemore, deputy city attorney for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B211429 People v. Diego A.
B211414 DCFS v. V.F.
B211493 People v. Avila

Argument waived, cause submitted.

B205314 Unlimited Adjusting Group
 v.
 Wells Fargo Bank

Merits:

Argued by Marc Manason for appellant and by Charles Schufreider for respondent. Cause submitted.

Court adjourned.

DIVISION EIGHT

B202499 William Isaac (Not for Publication)

v.

Luzelba Lozano, et al.,

The judgment is modified to include one award of \$369,940 in favor of plaintiff William Isaac. It is further modified to reflect that defendant Luzelba Lozano is not personally liable for attorney fees. The trial court is directed to modify the judgment in accordance with this opinion. In all other respects, the judgment is affirmed. Respondent shall recover his costs on appeal.

Bigelow, J.

We concur: Flier, Acting P.J.
Bauer, J. (Assigned)

B207826 People (Not for Publication)

v.

Eusebio Ysaguirre

The judgment is affirmed and the sentence vacated. The cause is remanded to the trial court for sentencing. The trial court shall impose a five-year enhancement on each count, and shall exercise its discretion as to whether the sentence on count 3 shall be served concurrently or consecutively.

O'Neill, J. (Assigned)

We concur: Flier, Acting P.J.
Bigelow, J.

DIVISION EIGHT (continued)

B199597 Jarrow Industries, Inc., (Not for Publication)
v.
Kokozian & Nourmand, LLP, et al.,

The order granting the special motion to strike is affirmed. The order awarding attorney fees is reversed. The matter is remanded for reconsideration of the fee award. Specifically, the trial court shall conduct a new hearing and determine, among other things, whether (1) the use of two sets of counsel resulted in a duplication of effort and fees, which should be disallowed, and (2) the fees incurred prior to January 2007 were appropriate and reasonable because it avoided repetition of work that would have been performed to respond to Jarrow's late complaint. The parties are to bear their own costs on appeal.

Rubin, Acting P.J.

We concur: Bigelow, J.
 Bauer, J. (Assigned)

B203444 People (Not for Publication)
v.
Christopher Murray

The sanity verdict is affirmed. The judgment is reversed only insofar as the two murder sentences are concerned. The matter is remanded for resentencing on those counts, along with an order that one of the multiple murder special circumstance allegations be stricken.

Rubin, Acting P.J.

We concur: Flier, J.
 Bauer, J. (Assigned)